

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>SERGEI KOVALEV</b>	:	: <b>CIVIL ACTION</b>
	:	
v.	:	: <b>NO. 22-552</b>
	:	
<b>LABORATORY CORPORATION OF AMERICA HOLDINGS</b>	:	

**ORDER**

**AND NOW**, this 13<sup>th</sup> day of June 2024, upon considering Defendant's Motion for Summary Judgment (ECF No. 126), Plaintiff's Response (ECF No. 127), Defendant's Reply (ECF No.130), Plaintiff's Sur-reply (ECF No. 131), discovery and sanctions Motions (ECF Nos. 106, 112, 121, 128, 134, and 137) unrelated to the issues presented on a summary judgment record as to whether there are genuine issues of material fact as to whether Defendant's agents' conduct constituted assault and battery under Pennsylvania law, having repeatedly studied the Plaintiff's video of the seventy-second encounter at issue, following noticed extensive oral argument, and for reasons in today's accompanying Memorandum after finding no genuine issues of material fact and judgment is warranted as a matter of the applicable Pennsylvania law, it is **ORDERED** we:

1. **GRANT** Defendant's Motion for summary judgment (ECF No. 126) dismissing Plaintiff's remaining assault and battery claim with prejudice as a matter of law finding no reasonable person could find the conduct detailed in the Plaintiff's video evidence to constitute assault and battery under Pennsylvania law as a liberal interpretation of the video evidence directly contradicts Plaintiff's pro se assault and battery claim;

2. **DENY** the Motion for sanctions (ECF No. 106), Motion for extension of discovery (ECF No. 112), second Motion for sanctions (ECF No. 121), Motion for Rule 56(d) relief (ECF

No. 128), Motion for ruling (ECF No. 134), and Motion for sanctions (ECF No. 137) as **moot** given both parties agree the issues presented in these motions do not affect our analysis on the summary judgment record and we need not consider preclusionary sanctions given our findings as a matter of law; and,

3. **DIRECT** the Clerk of Court shall **close** this case.



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**KEARNEY, J.**